IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 666 OF 1992

Mohammed Siddik Abdulgafar Patel,
since deceased through L.Rs.
Maksood Mohammed Siddik Patel & Ors. ..Appellants

versus

The Special Land Acquisition
Officer ..Respondents

Mr. R. Dattar for the Appellants.
Mr. S. N. Gawade, AGP for the Respondents - State.

CORAM : D. G. DESHPANDE,J.

DATE : 25TH OCTOBER,2005

ORAL ORDER :

1. Heard learned counsel for the Appellants and the learned AGP for the State.

2. Appellants are the original claimants who have filed this appeal for enhancement of compensation in Land Acquisition Reference. The

appeal was filed by the State challenging the compensation awarded by the Reference Court, that Appeal was also dismissed.

3. The acquired land is situate at Taloja. The distance between the Bombay Pune National Highway and the acquired land is 560 meters. The criteria that was applied by the Division Bench, which I have followed in subsequent judgments and one of the judgment is reported in **2005(3) ALL.M.R. 387 Mahomed Alli Abdul Kareem Arshi & ors. vs. Special Land Acquisition Officer, Panvel,** was the same. In that matter number of Appeals were heard together where the distance of the acquired land and Bombay Pune National Highway was above 1000 meter. Rs.15/- per sq. meter, and, where the distance was 320 meters, Rs.25/- was awarded, that was the proper compensation.

4. In the instant case the distance is 560 meters and therefore on applying the same criteria, the appeal is to be partly allowed and compensation is to be fixed at Rs.20/- per sq. meter. Therefore, Order :

ORDER

. Appeal is partly allowed.

. Appellants are entitled to compensation at the rate of Rs.20/- per sq. meter with proportionate rise in solatium and interest.

. Appeal disposed of.

25.10.2005 (D.G. DESHPANDE, J.)